

# Town of McAdenville

## *Motor Vehicle Policy Statement for Public Greenway Space*

### **I. Purpose**

The purpose of this statement of the policy of the Town of McAdenville (“Policy Statement”), and of any ordinances drafted and passed pursuant to the same, is to ensure the safe, beneficial, and quiet enjoyment of the Town of McAdenville’s greenway spaces by all residents and other visitors thereto, irrespective of ability, disability, age, or any other factor whatsoever.

### **II. Definitions**

1. “PDMD” shall mean “power-driven mobility device(s),” i.e., powered vehicles or devices designed and intended to enable persons with mobility disabilities to access and comfortably enjoy the facilities and public spaces provided or maintained by the Town of McAdenville, North Carolina, in like manner to those not so disabled.
2. “PDMD” for the purposes of this Policy Statement shall not include any vehicle or device powered by an internal combustion engine.
3. “PDMD” for the purposes of this Policy Statement shall not include any vehicle or device inappropriate for use indoors in conventional public or private buildings, and specifically those buildings that accommodate ingress and egress for persons with mobility disabilities consistent with the provisions of applicable Federal and State law.
4. “PDMD” for the purposes of this Policy Statement specifically excludes wheelchairs, the use of which shall under no circumstances be restricted in public areas.
5. “Dawn” means one half-hour before sunrise.
6. “Dusk” means one half-hour after sunset.
7. “Greenway” means that space granted to the Town of McAdenville for use by the public as a riverside greenway trail, including the paved trail and bridge set therein as well as the natural landscape.

### **III. Process**

1. The Town of McAdenville, through counsel, has researched and analyzed the status and usage of its Greenway trail in anticipation of adopting this policy and the ordinances related thereto.
2. The Town of McAdenville, based upon the size, breadth, and general usage of its Greenway trail, is informed and satisfied that the adoption of this policy is consistent with its goal of providing the beneficial, safe, and unimpeded use of the Greenway to all visitors.
3. The Town of McAdenville has further considered the grant of use of the Greenway space, and the terms thereof, in concluding that motor vehicles are

generally antithetical to the same, particularly with regard to the Town's obligation to preserve the space and to minimize harm to the natural landscape surrounding the Greenway trail.

4. The assessment of the general use of the Greenway is based upon the personal knowledge of the Town of McAdenville's employees, agents, and assigns, as related to and understood by its counsel.

#### **IV. Restriction Policy Regarding Power-Driven Mobility Devices**

1. In no case shall combustion-engine vehicles be used on the Greenway space except in the event of emergency or when operated by the Town of McAdenville for maintenance or other official purposes.
2. In no case shall any motorized vehicle of any kind be operated on the greenway space unless it is a qualified PDMD, as defined above, and operated by a person with a mobility disability, except in the event of emergency or when operated by the Town of McAdenville (or other authorized agencies) for maintenance or other official purposes.
3. The use of a motorized wheelchair upon the Greenway shall always be permitted so long as the vehicle or device in question complies with the terms of Paragraphs 5-7 below.
4. In no other circumstance except those set forth above may a person drive, operate, ride in, on, or upon, or otherwise convey any motorized vehicle on the Greenway trail.
5. The mobility disability status of a person operating an PDMD on the Town of McAdenville's greenway space may qualify said disability by display of an appropriate placard or by their own personal affirmation.
6. Nothing in this policy statement, or any of the ordinances adopted according to the same, is intended as an endorsement that the greenway space is appropriate for use by any person, regardless of the activity enjoyed and regardless of whether a motorized vehicle or device is utilized, and that those who use the greenway space do so according to their own risk irrespective of whether they utilize an PDMD or other vehicle or device.
7. Under no circumstances shall any motorized vehicle or device, including such vehicles or devices that qualify as PDMDs, be operated on the Greenway trail unless such vehicle or device be restricted in speed to fifteen (15) miles per hour or less.
8. Under no circumstances shall any motorized vehicles or devices, including PDMDs, be operated on the Greenway trail before Dawn or after Dusk, unless during hours allowed for Greenway usage, and unless said vehicle is equipped with head- and tail-lights running at all times.